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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,170	04/26/2001	Thue M. Pontoppidan	10559-366001 / P10172	8597
20985	7590	03/21/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			CLARK, ISAAC R	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,170	PONTOPPIDAN ET AL.	
	Examiner	Art Unit	
	Isaac R Clark	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 November 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. Claims 1-22 are presented for examination.

Priority

2. The effective filing date for the subject matter in the pending claims in this application is 04/26/2001.

Response to Amendment

3. The objection to the title made in the previous office action is withdrawn in view of the applicants' amendment to the title.

4. The declaration filed on 11/22/04 under 37 CFR 1.131 has been considered but is ineffective to overcome the Larson reference (Larson et al. 2003/0069848 A1) and the Or reference (Or et al. 2002/0067742 A1).

5. The declaration is insufficient to establish conception of the invention because it was not signed by all inventors of the claimed subject matter. Statements 1 and 2 of the declaration signed only by Thue M. Pontoppidan declare that Esben Carlsen is a coinventor of the claimed subject matter. No separate declaration or affidavit signed by Esben Carlsen was presented. MPEP 715.04 requires that all inventors of the subject matter must sign a declaration submitted under 37 CFR 1.131, unless it is established that less than all named inventors invented the claimed subject matter.

6. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Larson reference (Larson et al. 2003/0069848 A1) and the Or reference (Or et al. 2002/0067742 A1) reference to either a constructive reduction to practice or an actual reduction to practice.

7. The affidavit of Thue M. Pontoppidan alleges that diligence to reduce the invention to practice commenced at least as early as July 5, 2000, but there is no allegation or evidence offered that such diligence continued until the invention was actually reduced to practice or until the filing of the application on April 26, 2001.

8. The examiner maintains the rejections under 35 USC § 102 and 35 USC § 103(a) cited in the previous office action.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 5-13, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Larson et al. (US 20030069848) hereinafter Larson.

11. As per claim 1, Larson teaches a method comprising:

receiving on a wireless application protocol (WAP) terminal 22 (Fig. 1) an interface to permit management of a network device 42 (Fig. 3; Paragraph 0022; application server causes menu to be displayed on wireless device);
interacting with the interface to send a request to a WAP device manager 30 to manage a network device based on the request (Fig. 1; Paragraph 0054, router is the

managed network device; Paragraph 0055; selecting a function to perform on the router from a menu)

and at the terminal, receiving a response from the WAP device manager (Paragraphs 0058, 0059 and 0063).

12. As per claim 2, Larson as applied to claim 1 teaches the method of claim 1 further comprising receiving requests from and sending responses to a wireless application protocol device manager configured to manage network devices based on requests from a wireless application protocol terminal (Fig. 4; Fig. 6).

13. As per claim 3, Larson as applied to claim 2 teaches the method of claim 2 wherein the requests and responses comply with a simple network management protocol (Paragraph 0081).

14. As per claim 5, Larson teaches the method of claim 1 wherein the terminal comprises a WAP mobile phone (Fig. 1; Paragraph 0022; Paragraph 0080).

15. As per claim 6, Larson teaches the method of claim 1 wherein the terminal comprises a WAP personal digital assistant (Fig. 1; Paragraph 0022; Paragraph 0080).

16. As per claim 7, Larson teaches the method of claim 1 wherein the device is configured to be managed by commands configured to comply with a simple network management protocol (Paragraph 0083).

17. As per claim 8, Larson teaches the method of claim 1 further comprising displaying the interface on the WAP terminal (Paragraph 0022).

18. As per claim 9, Larson teaches the method of claim 1 further comprising displaying the response on the WAP terminal (Paragraph 0058; results are transmitted to the user at the wireless device; Paragraph 0088 wireless browser displays results).

19. As per claim 10, Larson teaches a method comprising receiving a request from and sending a response to a wireless application protocol device manager 32 (Fig. 1) configured to manage a network device 42 (Fig. 3) based on a request from a wireless application protocol terminal 22 (Fig. 1; Paragraph 0026; prompt for and receipt of a password in response to launch of application from the wireless device).

20. As per claim 11, Larson teaches the method of claim 10 wherein the requests and responses are configured to comply with a simple network management protocol (Paragraph 0081).

21. As per claim 12, Larson teaches the method of claim 10 wherein the terminal comprises a wireless application protocol cellular phone (Fig. 1; Paragraph 0022; Paragraph 0080).

22. As per claim 13, Larson teaches the method of claim 10 wherein the terminal comprises a wireless application protocol personal digital assistant (Fig. 1; Paragraph 0022; Paragraph 0080).

23. As per claim 20, Larson teaches an apparatus comprising:
a first mechanism 24 (Fig. 1) configured to receive a request from a WAP terminal 22 for managing a network device and, based on the request, to send a simple network management protocol request to the network device (Paragraph 0087; Paragraph 0084); and

a second mechanism 30 (Fig. 1) configured to receive a simple network management protocol response from the network device and, based on the response, to send a response to the terminal (Paragraph 0084).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 4, 14-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Or et al. (US 20020067742) hereinafter Or.

26. As per claim 4, Larson fails to explicitly teach the method of claim 1 wherein the requests and responses are encoded in a wireless markup language. Larson teaches that the requests and responses are encoded as XML (Paragraphs 0030, 0129, and 0130).

27. Or teaches the method of he method of claim 1 wherein the requests and responses are encoded in a wireless markup language (Paragraph 0004). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Larson and Or because they both concern communicating with network enabled devices from a wireless terminal. Furthermore, the teaching of Orr to encode requests and responses in a wireless markup language would allow the use of a WML variant of XML which is suitable for use on WAP enabled browsers that

are too limited in display and memory capabilities to support more resource demanding variants of XML.

28. As per claim 14, Larson teaches a method comprising:

providing to a wireless application protocol terminal (WAP) terminal 22 (Fig. 1) an interface to permit management of a network device (Fig. 3; Paragraph 0022; application server causes menu to be displayed on wireless device);

sending simple network management protocol (Paragraph 0081) requests to the device based on requests received from the terminal (Fig. 1; Paragraph 0054, router is the managed network device; Paragraph 0055; selecting a function to perform on the router from a menu);

and sending responses to the terminal (Paragraphs 0058, 0059 and 0063) based on simple network management protocol responses received from the device (Paragraph 0081).

29. Larson fails to teach that the requests and responses are based on wireless markup language.

30. Or teaches the method of claim 14 where the requests to the device and the responses received from the device are based on wireless markup language (Paragraph 0004). The rationale for combining Or and Larson to base requests to the device on a wireless markup language is as described for claim 4 above.

31. As per claim 15, Larson in view of Or as applied in claim 14 teaches the method of claim 14 wherein the terminal comprises a wireless application protocol cellular phone (Fig. 1; Paragraph 0022; Paragraph 0080).

32. As per claim 16, Larson in view of Or as applied in claim 14 teaches the method of claim 1 wherein the terminal comprises a wireless application protocol personal digital assistant (Fig. 1; Paragraph 0022; Paragraph 0080).

33. As per claim 17, claim 17 is a product claim containing the same subject matter as the claim 14. Claim 17 is rejected for the same reason as claim 14.

34. As per claim 18, Larson in view of Or as applied to claim 14 teaches the article in claim 17 wherein the WAP terminal is a mobile phone (Fig. 1; Paragraph 0022; Paragraph 0080).

35. As per claim 19, Larson in view of Or as applied to claim 14 teaches the article in claim 17 wherein the WAP terminal is a personal digital assistant (Fig. 1; Paragraph 0022; Paragraph 0080).

36. As per claim 21, claim 21 is rejected for the same reason as claim 18.

37. As per claim 22, claim 22 is rejected for the same reason as claim 19.

38. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard et al. (US 2002/0059457) hereinafter Ballard in view of Or.

39. As per claim 1, Ballard teaches a method comprising:

receiving on a wireless application protocol (WAP) terminal 26 (Fig. 1) an interface to permit management of a network device 78 (Fig. 5; Paragraph 0036; Fig. 3 block 82; Paragraph 0043)

interacting with the interface to send a request to manage a network device based on the request (Fig. 5); and

at the terminal, receiving a response from server (Paragraph 0041).

40. Ballard fails to explicitly teach that the request and response to and from the network device are routed through a WAP device manager.

41. Or teaches sending requests and responses to manage a network device 12 through a WAP device manager 14 (Fig. 1; Paragraphs 0013, 0032). It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Ballard and Or because they both deal with communicating with a WAP gateway. Furthermore, the teaching of Or to add a WAP enabled device manager to would allow monitoring and controlling various parameters of WAP enabled devices from a wireless terminal (Or, Paragraph 0010).

42. As per claim 2, Ballard in view of Or as applied to claim 1 teaches the method of claim 1 further comprising receiving requests from and sending responses to a wireless application protocol device manager configured to manage network devices based on requests from a wireless application protocol terminal 26 (Ballard, Fig. 1, Fig. 3 blocks 84, 90, and 112).

43. As per claim 3, Ballard in view of Or as applied to claim 2 fails to teach the method of claim 2 wherein the requests and responses comply with a simple network management protocol.

44. Or teaches that the requests and response to and from the device manager comply with a simple network management protocol (Paragraph 0012; Fig 1).

45. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Ballard and Or to encode the requests and responses in a simple network management protocol because they both deal with

communicating with WAP compatible devices. Furthermore Or teaches that the use of a simple network management protocol, in particular SNMP allows the system to control a variety of network devices which share the same standard protocol (Or, paragraph 0009).

46. As per claim 4, Ballard in view of Or as applied to claim 1 teaches the method of claim 1 wherein the requests and responses are encoded in a wireless markup language (Fig. 4).

47. As per claim 5, Ballard in view of Or as applied to claim 1 teaches the method of claim 1 wherein the terminal comprises a WAP mobile phone (Paragraph 0036).

48. As per claim 6, Ballard in view of Or as applied to claim 1 teaches the method of claim 1 wherein the terminal comprises a WAP personal digital assistant (Paragraph 0036).

49. As per claim 7, Ballard in view of Or as applied to claim 3 teaches the method of claim 1 wherein the device is configured to be managed by commands configured to comply with a simple network management protocol.

50. As per claim 8, Ballard in view of Or as applied to claim 1 teaches the method of claim 1 further comprising displaying the interface on the WAP terminal (Paragraph 0039; Fig 3, block 84).

51. As per claim 9, Ballard in view of Or as applied to claim 1 teaches the method of claim 1 further comprising displaying the response on the WAP terminal (Paragraph 0039).

52. As per claim 10, claim 10 is rejected for the same reason as claim 1.

53. As per claim 11, claim 11 is rejected for the same reason as claim 3.
54. As per claim 12, claim 12 is rejected for the same reason as claim 5.
55. As per claim 13, claim 13 is rejected for the same reason as claim 6.
56. As per claim 14, Ballad in view of Or as applied to claim 3 teaches a method comprising:

providing to a wireless application protocol terminal 26 (Fig. 1) an interface to permit management of a network device (Ballard, Fig 3, block 84);
sending simple network management protocol requests to the device (Or, Fig. 1; Paragraphs 0013 and 0032) based on wireless markup language requests received from the terminal (Ballard, Fig. 4, WML format, Fig. 3 blocks 90-106); and
sending wireless markup language responses to the terminal (Ballard, Fig. 4; Paragraph 0014, "alert messages" to user) based on simple network management protocol responses received from the device (Or, Paragraph 0012).

57. As per claim 15, Ballad in view of Or as applied to claim 14 teaches method of claim 14 wherein the terminal comprises a wireless application protocol cellular phone (Ballard, Paragraph 0036).
58. As per claim 16, Ballad in view of Or as applied to claim 14 teaches method of claim 14 wherein the terminal comprises a wireless application personal digital assistant (Ballard, Paragraph 0036).
59. As per claim 17, claim 17 is a product claim containing the same subject matter as the claim 14. Claim 17 is rejected for the same reason as claim 14.

60. As per claim 18, claim 18 is a product claim containing the same subject matter as the claim 14. Claim 18 is rejected for the same reason as claim 15.

61. As per claim 19, claim 19 is a product claim containing the same subject matter as the claim 14. Claim 19 is rejected for the same reason as claim 16.

62. As per claims 20, 21, and 22, these claims are rejected for the same reason as claim 14.

Conclusion

63. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show the state of the art with respect to "Method for network management using wireless terminals".

- i. Lee et al. US 6,336,137
- ii. Myers et al. US 2002/0052940

64. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC

ABBY D. DONAGHUE
PRIMARY EXAMINER

